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## CHIEF KOHLER ON TREATMENT OF CRIMINALS.

**CHIEF KOHLER'S IDEAS ON THE TREATMENT OF CONVICTED CRIMINALS.**—At the meeting of the International Association of Chiefs of Police at Birmingham in May, Chief Kohler of Cleveland delivered an address on "The Ideal Treatment for Reformation of Those Convicted of Crime." After reviewing the results of his "golden rule" policy in the treatment of criminals in Cleveland (described in the July number of this JOURNAL) he entered upon a defense of the indeterminate sentence for all except the most hopelessly hardened offenders. He said in part:

"After many years of absorbing study of this great criminal problem, I am thoroughly convinced that no human being, whatsoever his crime, should be sentenced to a definite term in prison. For this, there are many reasons. Imprisonment, as inflicted to-day, has proven worse than useless. In almost every case it releases the criminal a more dangerous menace than before his incarceration. Our criminal law aims to benefit society. In this it fails. It should aim to benefit the criminal. In this it could succeed. As well might we sentence the lunatic to one month in the asylum, or the victim of typhoid to fifteen days in a hospital, at the end of these periods to turn them loose, whether mad or sane, cured or still diseased.

"The criminal court should determine but one thing: Has he, or has he not, committed the crime of which he is accused? If guilty, the one and unvarying sentence should be banishment—no money fines. The criminal code should be stripped to a bare list of the acts constituting crimes and misdemeanors, and provision made for a uniform treatment of all those convicted. Banishment, which should be spent in prison, should be absolutely indeterminate. By his own deed a man has proven himself unworthy to dwell among his fellow men. He must remain apart from them until restored by citizenship by a 'court of rehabilitation.' It has required a judge and jury to deprive him of his liberty, only by a judge and jury should he be restored. The second judge and jury should form the court of rehabilitation. It must be free from sentiment, having nothing to do with pardon, remain uninfluenced by political power or the prisoner's friends, be actuated only by absolute justice, and every evil of the criminal law will disappear.

"Prison life should be one, not of suffering, but of preparation—preparation for liberty. Independence, courage, right thinking, mental discipline—these are the qualities he will need if he is not again to fall. The criminal law should not be for society, but devote itself to the reformation of the criminal. Clarify the thoughts of the criminal and he ceases to be a criminal.

"My experience with persons confined in prisons and penal institutions are that the average man in prison is not so radically wicked as he is abominably weak. He is generally the mother's favorite son.

"At the trial which deprived him of his liberty, the reasonable doubt was in the defendant's favor; the burden of proof was upon the state. At the second trial in the court of rehabilitation this is reversed, the burden of proof being upon the man. Hypocritical religious protestations will not avail, nor promise of future good behavior. He must give proof of reform accomplished. In the criminal court he is every moment on the defensive. He tells nothing, admits nothing, gives no clue to his past. In the court of rehabilitation this is also reversed. Perjury may save a man from prison, only truth can get him out.

"In the first trial it may have been impossible to verify or disprove his

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claims. In the second, his prison conduct is a matter of record, and his only hope rests in telling the truth, the whole truth, and nothing but the truth, as to birth, parentage and training; his social, business and criminal career. A lie—which disproves reform—means a continuation of banishment, and he knows it.

"Under the present system the young tough who commits a crime and is sent to prison 'sulkily waits for the expiration of a fixed period.' Under the ideal system he would understand that in self-improvement lay his only hope for freedom.

"The moment the door closes on him you have a man who longs with all his soul for liberty. Make him understand that liberty can never come except through himself and note the mental difference. No longer are thoughts and conversations the cleverness and mistakes in crime, or the planning upon revenge when liberated. He finds offered him an education, most certain preventives, and cures for crime. There are lectures and classes to attend and work to do by which there is money earned and saved. He is given opportunity to demonstrate his sincerity by industry, by ambition, by kind acts, by solicitude for his fellow prisoners, and for those outside whom he has caused to sorrow. Officials, teachers, the overseers in the workshops, all are his friends, not mere jailers. And in time, upon their advice, he moves his case for trial in the court of rehabilitation.

"Under the proposed system, society would be absolutely protected against him as it is now protected against the hopelessly insane. The habitual criminal would remain banished, for after several convictions no court of rehabilitation would ever again intrust him with his liberty.

"The death penalty would be abolished. But . . . the court of rehabilitation would rarely release the murderer who had plotted and calculated even after long imprisonment; it might give another chance to him that had killed in anger and with provocation, liberation coming after banishment during which he had proved strengthened self-control.

"I believe that nearly all rehabilitated men would become good citizens because the state has made them want to be such, and has given them the means to carry out their wish. I believe that in time society would be as free of crime and the criminal as is possible to any human institution. In place of the damning character to-day given a man by a prison record, it is not beyond hope that it may become in itself a recommendation, a proof of difficulties overcome, a guarantee of present ability and of future faithfulness. To-day, imprisonment is known to be futile, hence the restitution of liberty carries not the slightest suggestion that the man is in any sense more trustworthy than before. Under the proposed system, the mere fact that he has been set free would be proof of reformation."

J. W. G.

PROPOSED CRIMINAL CODE FOR LOUISIANA.—There has recently been submitted to the legislature of Louisiana projects of a code of criminal law, a code of criminal procedure and a code of criminal correction, prepared by a commission of which Hon. Robert H. Marr of New Orleans is chairman. The draft of the code of criminal law embraces 639 sections, the offenses dealt with therein being classified under twenty-seven different titles, individual crimes making up each group being arranged in chapters under the appropriate title. The provisions